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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,516	04/01/2004	Heung-Yeung Shum	MSI-1884US	3162
22801	7590	12/28/2007	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			JANKUS, ALMIS R	
			ART UNIT	PAPER NUMBER
			2628	
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			12/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/817,516

Applicant(s)

SHUM ET AL.

Examiner

Almis R. Jankus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9,30-47 and 55-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 30-47, 55-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-9, 30-47, and 55-57 are presented for examination.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9, 30-47 and 55-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams.

With respect to claim 1 Williams teaches the claimed method comprising: splitting a scene into one or more coherent layers, at figure 1; propagating boundaries of the coherent layers across a plurality of frames corresponding to the scene, at figure 1; and refining the splitting to present a virtual view of the scene, at the third paragraph of the abstract.

Claim 2 further requires the method as recited in claim 1, wherein the virtual view of the scene is substantially free from aliasing. Williams teaches this at the third paragraph of the abstract.

Claim 3 further requires the method as recited in claim 1, wherein each of the coherent layers has a corresponding background layer. Williams teaches this at figure 1 where the background layer is the averaged down layer from its larger predecessor.

Claim 4 further requires the method as recited in claim 1, wherein the plurality of frames correspond to different images of the scene. Williams teaches this at figure 1 where the different images correspond to diminished versions of predecessors.

Claim 5 further requires the method as recited in claim 1, wherein the refining is initiated by a user. Williams teaches this at section 7 which lists users involved in implementing this refining technique.

Claim 6 further requires the method as recited in claim 1, wherein each layer of the scene has a corresponding plane equation to represent a local geometry of that layer. Williams teaches this at section 2 with the parameter D which moves up and down the hierarchy of corresponding 2D (planar) functions.

Claim 7 further requires the method as recited in claim 1, further comprising

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rendering the coherent layers with a corresponding background layer to present the virtual view of the scene. Williams teaches this at section 2 and figure 1 with intra and inter level interpolation, the background layer being the averaged down version of its corresponding larger predecessor.

Claim 8 further requires the method as recited in claim 1, further comprising rendering the coherent layers with a corresponding background layer to present the virtual view of the scene, wherein the background layer is provided by combining a plurality of under-segmented regions. Williams teaches this at figure 1.

Claim 9 requires computer readable media storing instructions to perform the method of claim 1. The abstract of Williams teaches computer-generated imagery.

Claims 30, 35, 44 and 55 are similar to claim 1 and are rejected under similar rationale.

Claim 31 further requires the user interface as recited in claim 30, wherein a plurality of polygons represent boundaries of the coherent layers. Williams teaches this at figure 1.

Claim 34 further requires the user interface as recited in claim 30, further comprising a background construction module to provide a background layer

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corresponding to the coherent layers, wherein the background layer is provided by removing the coherent layers from a key frame corresponding to the scene.

Williams teaches this at section 3 and at figure 1. The key frame is the largest, or original image. The background layer is constructed by averaging down (removing layers) from the original frame.

Claim 42 further requires the system as recited in claim 35, further comprising a memory module to store instructions. Williams teaches this at figure 1 with the memory organization.

Claim 43 further requires the system as recited in claim 35, further comprising one or more processing units to execute a plurality of stored instructions on one or more memory modules coupled to the processors. Williams teaches this at the abstract as computer-generated imagery.

Claims 32, 36 and 45 are similar to claim 2; claim 33 is similar to claim 3; claim 37 is similar to claim 4; claim 38 is similar to claim 5; claim 39 is similar to claim 6; claims 40, 46 and 56 are similar to claim 7; and claims 41, 47 and 57 are similar to claim 8, and the respective similar claims are rejected under respective similar rationale.

4. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 9 and 44-47 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 9 and 44-47 are directed to computer-readable media storing computer executable instructions. Paragraphs 133-135 of the instant specification includes signals as computer-readable media. Signals fail to fit any of the four statutory classes of inventions.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almis R. Jankus whose telephone number is 571-272-7643. The examiner can normally be reached on M-F, 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AJ


ALMIS R. JANKUS
PRIMARY EXAMINER